

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

<b>MORGAN, LEWIS &amp; BOCKIUS LLP,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>No. 08-CV-2748</b>
	)	
<b>CITY OF EAST CHICAGO,</b>	)	
	)	
<b>Defendant.</b>	)	

**AGREED MOTION FOR LEAVE TO FILE DOCUMENTS UNDER SEAL**

The Defendant, City of East Chicago, (“East Chicago”), by its attorneys, Eichhorn & Eichhorn, LLP, requests that the Court grant it leave to file certain documents under seal. In support of this motion, East Chicago states as follows:

1. East Chicago’s Response to the Plaintiff’s Motion To Remand is due on July 10, 2008. Also, on July 10, 2008, East Chicago will file a Motion to Strike the Declaration of Clare D’Agostino and a Motion To Compel, as well as accompanying Briefs in support of East Chicago’s motions.

2. The exhibits attached to these filings on July 10, 2008 will include materials such as passports, drivers’ licenses, tax records, real property records, and deposition testimony regarding these personal records. Exhibit A to East Chicago’s Response and Motion To Strike, and Exhibit D to its Motion To Compel, is a transcript of Clare D’Agostino’s Deposition taken on July 3, 2008. Ms. D’Agostino’s testimony therein discusses certain designated confidential information which is contained in the documents listed below. (See ¶ 3 of this Motion.) The Plaintiff also has designated the transcript as confidential. The Plaintiff’s Responses and Objections To Defendant’s First Requests For Production of Documents is Exhibit C to East

Chicago's Response, Exhibit B to its Motion to Strike, and Exhibit A to its Motion to Compel. These Responses contain references to said designated confidential information, as well. Finally, Exhibit D to East Chicago's Responses and Motion to Strike and Exhibit E to the Motion to Compel include the designated confidential documents the Plaintiff produced in response to the East Chicago's production requests. The confidential pages are numbered as ML 38- 40, 48-51, 53-54, 58-59, 61, 63, 68, 90, 91, 101, 102, 105, 117, 136, 145, 147, and 148.

3. Good cause exists for filing these records under seal, as the documents contain information deemed restricted and confidential in accordance with the Court's Stipulation and Order Governing the Protection and Exchange of Confidential Material of June 24, 2008. The Plaintiff has designated these documents as protected pursuant to the Court's June 24, 2008, Order, and East Chicago does not dispute the Plaintiff's designation

4. East Chicago, through Mr. Robert J. Feldt, advised counsel for the Plaintiff, Mr. Seth Horvath, of East Chicago's intent to file their designated confidential materials under seal in association with its Motions, Briefs, and Response by telephonic conference on July 7, 2008. Mr. Horvath has agreed that the filing of any such materials under seal is appropriate and acceptable.

5. All of the aforementioned confidential documents shall be filed under seal in accordance with Local Rules 5.8 and 26.2.

**WHEREFORE**, the Defendant, City of East Chicago, requests that the Court enter an Order which grants it leave to file the documents referenced in ¶¶ 2 and 3 of this motion under seal in conjunction with the Exhibits to its Response to the Plaintiff's Motion to Remand and related Motion To Strike and Motion To Compel.

Respectfully submitted,

**EICHHORN & EICHHORN, LLP**

By: s/Robert J. Feldt  
One of the Attorneys for the Defendant,  
the City of East Chicago

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**CERTIFICATE OF SERVICE**

I, Robert J. Feldt, hereby certify that on the 8<sup>th</sup> day of July, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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s/Robert J. Feldt

Robert J. Feldt